IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.1618 OF 2007

Pankaj Ramesh Patil .. Applicant.

Versus

The State of Maharashtra .. Respondent.

Mr.S.V.Kotwal i/b.Mr.D.C.Mishra for the applicant.
Mr.A.R.Patil, A.P.P. for the respondent.

CORAM : R.M. SAVANT, J.
(VACATION JUDGE)
DATE : 16th MAY, 2007.

P.C.:

1. This is an application for anticipatory bail in C.R.No.I-125/2007 registered with Mahatma Phule Chowk Police Station, Kalyan under Sections 143, 147, 148, 307 of I.P.C. The applicant, who is a student, is apprehending his arrest in the said case.

2. It is the case of the prosecution that the complainant Bhushan Ravindra Tayde was standing outside Birla College, Kalyan when one Vikas alongwith six others

came there and assaulted the complainant with deadly weapons. It is the case of the prosecution that complainant had enimical relationship with the present applicant. On the other hand, it is the case of the applicant that he was not present on the date of the incident as he was busy with his examination on the said date i.e. on 17th March, 2007. The applicant has produced the attendance certificate from the concerned college. Though there is some discrepancy in the date, the benefit of the doubt would have to be given to the applicant as it is probably wrongly mentioned in the said certificate that the examination was on 17th April, 2007 instead of 17th March, 2007. Another aspect to be noted is that the applicant is a student and no specific role is attributed to the applicant, in my view, therefore, the applicant would be entitled to anticipatory bail on the following conditions : -

a) In the event of the arrest of the applicant, the applicant be released on bail in the sum of Rs.10,000/- with one or two local sureties in the like amount.

b) The applicant to co-operate with the Investigating Agency and make himself available to the concerned police station as and when required

till the filing of the charge sheet.

c) The applicant shall not influence prosecution witnesses or tamper with the prosecution evidence in any manner, whatsoever.

3 The above application stands disposed of in the aforesaid terms.

(R.M. SAVANT, J.)